



**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OP-R

Public Notice

Public Notice No. **CENAP-OP-R- 200501622-15** Date

JUN 02 2006

Application No. File No.

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Pennsylvania Department of Conservation and Natural Resources
400 Rachel Carson State Office Bldg.
Harrisburg, Pennsylvania 17105-8451

AGENT: Marcus P. Snyder, Biologist
Division of Design

WATERWAY: Delaware Canal

LOCATION: along the entire length of the Delaware Canal from Easton, Northampton County to Bristol, Bucks County, Pennsylvania

ACTIVITY: In 1994, a Department of the Army permit was issued to the applicant to perform dredging and rehabilitation activities along the entire length of the Delaware Canal for a ten year period. That permit (CENAP-OP-R-19940095-15) expired at the end of 2004. The applicant was not able to complete the proposed and authorized dredging and rehabilitation activities before the permit expired and has now applied for a new permit to renew authorization to continue the previously proposed dredging and rehabilitation work along the entire length of the canal for another ten year period.

Now, as in 1994, the applicant proposes to dredge and maintain the canal to its originally constructed "prism" (trapezoidal cross-section) dimensions and to repair appurtenant and associated canal structures along the entire 60 mile length of the canal.

The applicant proposes to perform the dredging, maintenance and repair work over the next ten years as follows:

Segments of the canal would be de-watered and the bottom sediments dried in-place, where possible. The dried sediments would be excavated to original canal depth and dimensions and transported directly to various upland disposal sites. (Upland disposal sites would be approved, separately, as they are identified over the ten-year permit period.) In those locations where drying in-place is not practicable, wet sediments would be excavated and stored temporarily along the canal for de-watering before removal and transport to an appropriate approved disposal site.

The canal towpath would be used for staging and operating the excavating equipment, where possible. In areas where the towpath cannot accommodate the excavation equipment, a temporary road into the canal would be constructed to provide access for dredging.

The canal channel would be dredged to provide a 5 foot water depth and three (3.0) feet of freeboard to the top of the towpath. In 1994, the applicant estimated that approximately 250,000 cubic yards of sediment must be removed from the entire length of the canal in order to restore the canal prism. Approximately 100,000 cubic yards were removed in the 10 year period of that permit. The applicant now estimates that approximately 200,000 cubic yards of material must be removed to restore the remainder of the canal prism.

Some of the historically heavily silted reaches of the canal exhibit wetland vegetation. In 1994, it was estimated that approximately 15.8 acres of vegetated wetland area that had developed within the canal prism on accumulated sediments at various locations over the entire length of the canal would be excavated to restore the canal prism.

In the Borough of Yardley, between canal mile posts 11.0 and 12.0, there is an expansive area of vegetated wetlands known as the "wide water" area of the canal. Here, the original canal construction included a widened canal prism that served as a mooring area for vessels traversing the canal. This wide water area covers approximately 6.3 acres, and was included in the 1994 estimate of wetland area to be excavated.

Wetland areas were excavated from the canal at various locations during the previous ten-year permit period. The fraction of the previously estimated 15.8 acre canal total wetland area that was excavated under the 1994 permit has not been determined. None of the Yardley wide water area was excavated under the previous permit. The applicant is now proposing to continue excavating wetlands from the canal, as they occur, elsewhere within the canal prism and to excavate only a "path" with the dimensions of the canal prism through the Yardley wide water area.

The proposed path through the wide water area would impact approximately 1.87 acres of vegetated wetland area. The remaining approximately 4.43 acres of the wide water wetlands outside the canal path would remain untouched.

In addition, the applicant proposes to repair, rehabilitate, replace and maintain existing canal structures such as walls, channel bed, locks, and toe drains in order to restore these structures to their original condition. No toe drain repairs would be performed in wetland areas.

All areas that are temporarily disturbed as a result of this project would be restored.

PURPOSE: The purpose of the proposed dredging, maintenance and repair work is to restore the Delaware Canal to its original designed condition by removing sediments that have accumulated over the last century or more and then to maintain normal water flow in the canal. The purpose of the structural repairs is to restore and maintain functional and historic integrity of the canal.

The Delaware Canal is listed on the National Register of Historic Places as a National Historic Landmark. The applicant states that all repair, rehabilitation, replacement and maintenance work would be performed in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be

granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect Essential Fish Habitat (EFH). A preliminary assessment of the species listed in the "Guide to Essential Fish Habitat Designations in the Northeastern United States, Volume IV: New Jersey and Delaware", dated March 1999, indicates that there is no EFH in the vicinity of the proposed work.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program. No permit will be issued until the State has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the State's coastal zone should be sent to this office, with a copy to the State's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the State.

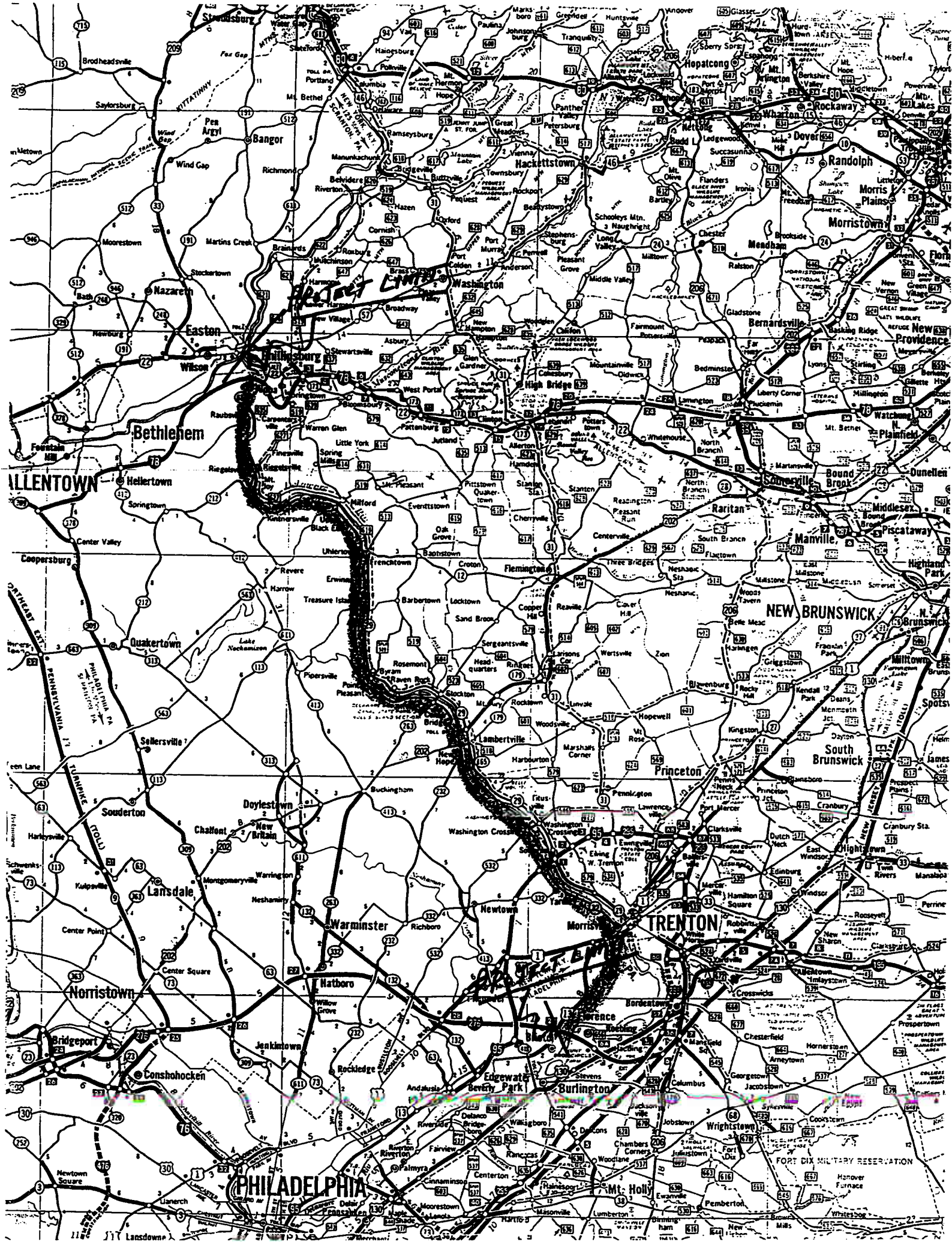
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

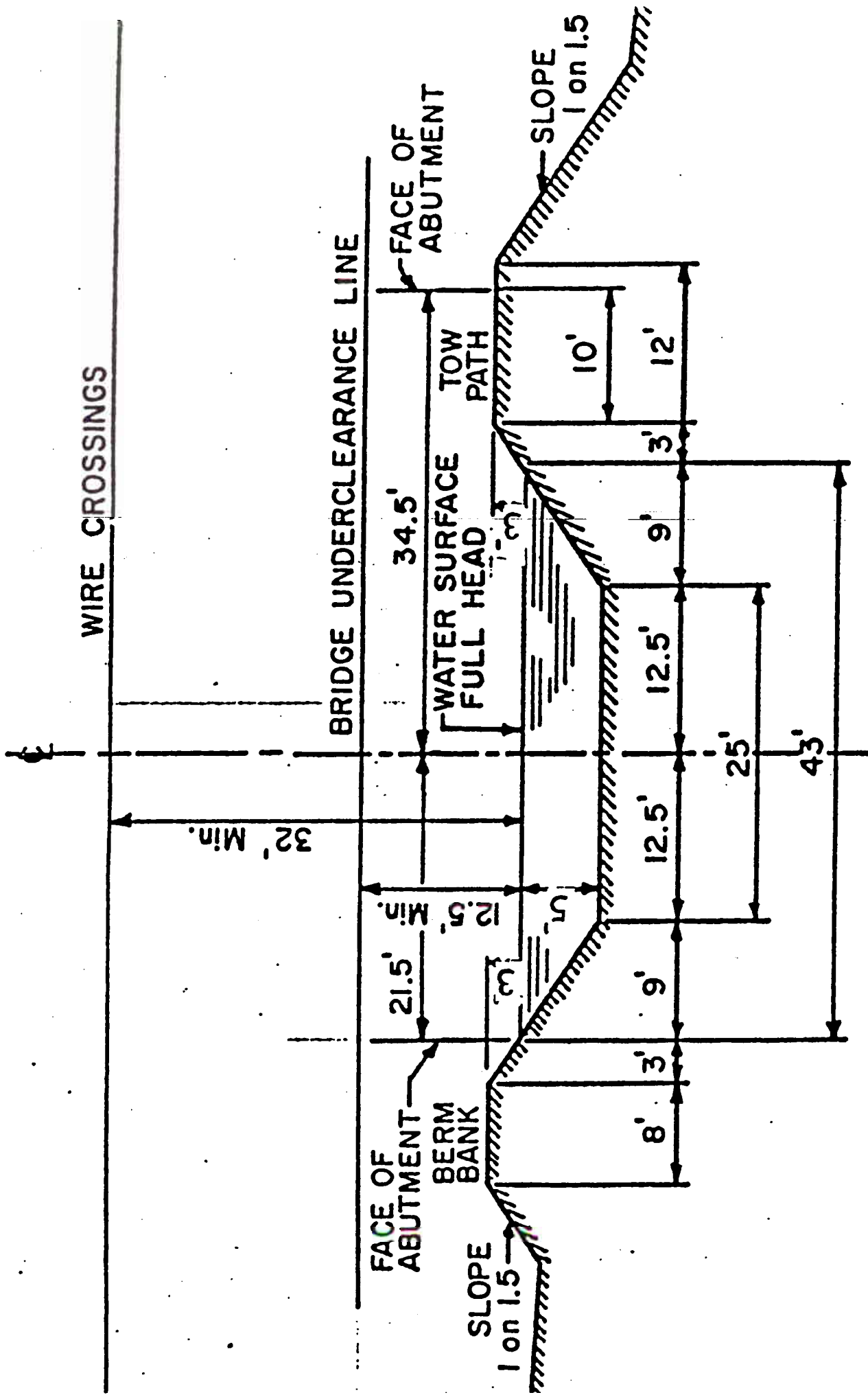
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Additional information concerning this permit application may be obtained by calling William H. Jenkins at (215) 656-5940 between the hours of 1:00 and 3:30 p.m. or writing this office at the above address.

A handwritten signature in dark ink, appearing to read 'Frank J. Cianfrani', is written over the typed name and title.

Frank J. Cianfrani
Chief, Regulatory Branch





STANDARD CROSS SECTION
DELAWARE DIVISION CANAL